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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------|------------------|
| 10/681,428 | 10/08/2003 | Michael F. Lueck | M-0001 | 7130 |
| 7590 | 05/18/2007 | | EXAMINER | |
| Ms Isis E Caulder Bereskin & Parr Box 401 40 King Street West Toronto, ON MY5H 3Y2 CANADA | | | ABEBE, DANIEL DEMELASH | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2626 | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/681,428 | LUECK ET AL. | |
| | Examiner | Art Unit | |
| | Daniel D. Abebe | 2626 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) Notice of Informal Patent Application
- 6) Other: ____.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-11 and 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Heckerman et al. (6,260,011).

As to claim 1, Heckerman teaches a method for providing a synchronized audio file and its text equivalent, where the text could be obtained from the audio file, comprising

Speech recognition system for converting an audio file to text;

A silence detector for detecting silence in the audio file;

Time indexing the audio file and the text file;

System for time tagging locating the detected silences in the; and

Means for matching and inserting silence pointers in the text file (abstract; Fig.4, 7-10; Col.3, line 54-Col.4, line 20).

As to claims 5-6, Heckerman explains recognizing silence in the audio file "it can be seen that a period of silence was recognized in the audio file starting at time stamp 110 and ending at time stamp 117. By comparing the recognized word JOHN preceding the recognized silence, to the word preceding the silence in the aligned actual text 704, it can be seen that the word JOHN was correctly recognized. By comparing the recognized word I, following the recognized silence, to the word following the silence in the aligned text 704, it can be seen that the word I was also correctly recognized. Since the

words preceding and following the silence were correctly recognized, the silence defined by audio time stamps 110, 117 would be identified in step 608 as a point where the audio and text files should be synchronized." (Col.11, lines 50-65).

As to claims 7-10, Heckerman teaches means for simultaneously presenting the audio data via the audio playback system and the text through a display and a terminal for receiving the speech (Col.18, lines 915-20).

Claims 11, 15-20 are analogous to the claims above and therefore rejected by Heckerman for the foregoing reasons.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heckerman as applied above, and further in view of Flanagan et al. (4,449,190).

As to claims 2-4, Heckerman doesn't explicitly teach the silence detection module using a volume threshold as claimed. Flanagan however teaches a silence detection means using such feature (abstract; Figs.1-3). It would have been obvious to one of ordinary skill in the art to have the silence detector disclosed by Flanagan in Heckerman for the purpose of detecting the silences in the audio file.

Claims 12-14 are analogous to claims 2-4 and therefore rejected by Heckerman for the foregoing reasons.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel D. Abebe whose telephone number is 571-272-7615. The examiner can normally be reached on monday-friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel Abebe Primary Examiner A.U. 2626



April 19, 2007